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Docket No.: 239783US0

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/608,029

Applicants: Philippe DESPRES, et al.

Filing Date: June 30, 2003

For: ATTENUATED FLAVIVIRUS STRAINS  
CONTAINING A MUTATED M-ECTODOMAIN  
AND THEIR APPLICATIONS

Group Art Unit: 1648

Examiner: M. Franco Salvoza

SIR:

Attached hereto for filing are the following papers:

**Election and Response to Election of Species Requirement**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

PHILIPPE DESPRES, ET AL.

: EXAMINER: M. FRANCO SALVOZA

SERIAL NO: 10/608,029

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FOR: ATTENUATED FLAVIVIRUS  
STRAINS CONTAINING A MUTATED M-  
ECTODOMAIN AND THEIR  
APPLICATIONS

ELECTION AND RESPONSE TO ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement mailed June 1, 2006, the Applicants hereby make the following elections:

For Claim 29, the Applicants elect with traverse a peptide where an L-amino acid has been replaced by a D-amino acid.

For Claims 30-32, the Applicants elect with traverse BSA (bovine serum albumin).

All of the claims, except for Claim 32, which is specifically directed to the carrier KLH, read on the elected species.

The Applicants traverse the election of species requirement on the grounds that the Office has not established that the peptides covered by Claims 29 and 30-32 are patentably distinct. Moreover, in view of the limited number of species, no undue burden would be imposed in the examination of all the subject matter covered by these claims.

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Reply to Office Action of June 1, 2006

Nevertheless, should the requirement be maintained, the Applicants understand that additional species will be examined upon an indication of allowability for the generic claim as it reads on the elected species.

Accordingly, the Applicants respectfully request that the election of species requirement be withdrawn.

Respectfully submitted,

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